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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,944	09/28/2005	James C. Wilson	T3987-10161US01	4048

7590 01/16/2008
JAMES C. WILSON
300 N. PRESOTT AVENUE
CLEARWATER, FL 33755

EXAMINER

ISLAM, SYED A

ART UNIT	PAPER NUMBER
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3611

MAIL DATE	DELIVERY MODE
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01/16/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/550,944	Applicant(s) WILSON, JAMES C.	
	Examiner Syed A. Islam	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 12 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16 is/are allowed.
- 6) ☒ Claim(s) 1-5 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kent (2,982,041) in view of Friedrich et al. (6,938,771).

Regarding claim 1, Kent discloses that a key label comprising: a substantially cylindrical sleeve 10 (col. 2, line 3; see fig. 2) having an inner surface and an outer surface and a circumference, the inner surface of the substantially cylindrical sleeve having a through opening (see fig. 2) adapted to slip over a key head such that it fits around a head end of a key forming a flat surface that can be written upon..

However, Kent fails to disclose the substantially cylindrical sleeve formed of a colored heat shrink material the substantially cylindrical sleeve to be heat shrunk to substantially encase the head end of the key. Instead, Friedrich et al. disclose the substantially cylindrical sleeve formed of a colored (col. 5, line 65) heat shrink material the substantially cylindrical sleeve to be heat shrunk to substantially encase (col. 5, line 40) the head end of the key. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use the teaching of Friedrich et al. in the invention of Kent because it is secure, permanent and inexpensive to manufacture.

However, Kent fails to disclose the length of the sleeve being less than one half of the circumference of the sleeve. Instead, Kent discloses the label is provided in corresponding shapes configured and sized to accommodate the key head. Moreover, Kent

discloses many modifications and changes may be made without departing from the scope of the invention. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to make the length of the sleeve being less than one half of the circumference for the purpose of accommodating a proper sized substance.

Regarding claim 2, Kent discloses the label forming a flat surface that can be written upon, but Kent fails to disclose when the substantially cylindrical sleeve is shrunk to fit around the head end of the key upon being heated to a predetermined temperature, the inner surface of the substantially cylindrical sleeve at least partially contacting a portion of the head end of the key after shrinking, forming a flat surface that can be written upon. Friedrich et al. disclose when the substantially cylindrical sleeve is shrunk to fit around the head end of the key upon being heated to a predetermined temperature (col. 9, line 28), the inner surface 10 of the substantially cylindrical sleeve at least partially contacting a portion 4 (col. 8, line 19; see fig. 1) of the head end of the key after shrinking. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use the teaching of Friedrich et al. in the invention of Kent because it is secure, permanent and inexpensive to manufacture.

However, Kent fails to disclose the length being between about 1/8 inch and 1 inch. . Instead, Kent discloses the labels are provided in corresponding shapes configured and sized to accommodate a key. Moreover, Kent discloses many modifications and changes may be made without departing from the scope of the invention. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to make the length of the sleeve being less than one half of the circumference for the purpose of accommodating a proper sized substance.

Regarding claim 3, Kent discloses that the outer surface of the substantially cylindrical sleeve provides a flat writeable surface for application of an identifying mark to be applied (see fig. 2).

Regarding claim 4, Kent discloses that the substantially cylindrical sleeve, when shrunk covers only the head end of the key or the opening means (see fig. 2).

Regarding claim 5, Kent fails to disclose that the heat shrink material comprises one of polyolefin, polyvinyl chloride, polytetrafluoroethylene (Teflon) and polychloroprene (Neoprene). However, Friedrich et al. disclose the heat shrink material comprises one of polyolefin, polyvinyl chloride (col. 8, line 46; see fig. 3), polytetrafluoroethylene (Teflon) and polychloroprene (Neoprene). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use the teaching of Friedrich et al. in the invention of Kent because it is inexpensive to manufacture.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Friedrich et al. in view of Kent.

Regarding claim 12, Friedrich et al. disclose a method of manufacturing a colored heat shrink label for application to a key head, the method comprising: providing a colored heat shrink material having a substantially cylindrical shape 6 with a predetermined diameter and circumference and length; and cutting (col. 6, lines 30-33) the substantially cylindrically shaped colored heat shrink material into sleeves of a predetermined width, each sleeve having an opening therethrough, applying one of the sleeves over a container and heat shrinking the sleeve.

However, Friedrich et al. fail to disclose applying one of the sleeves over a key head. Instead, Kent discloses applying one of the sleeves over a key head. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use the teaching of Kent in the invention of Friedrich et al. because it is simple and inexpensive.

However, Friedrich et al. fail to disclose the length of the sleeve being less than one half of the circumference of the sleeve. Instead, Friedrich et al. disclose the film wrappings are provided in corresponding shapes configured and sized to accommodate a container (see col. 5, lines 25-30). Moreover, Friedrich et al. disclose many modifications and changes may be made without departing from the scope of the invention. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to make the length of the sleeve being less than one half of the circumference for the purpose of accommodating a proper sized substance.

Allowable Subject Matter

Claim 16 is allowed.

The following is an examiner's statement of reasons for allowance:

There are many similarities between applicant's invention of and the US patent of Kent and Friedrich et al. However, Kent and Friedrich et al. fail to disclose a lock label including a second substantially cylindrical sleeve of a colored heat shrink material having a second predetermined diameter, a second predetermined length, an inner surface and an outer surface and a through opening such that the inner surface of the lock label is adapted to fit around a portion of a lock and be shrunk to substantially encase the portion of the lock forming a flat surface that can be written upon. None of the prior art in the record whether taken alone or in combination can solve this dissimilarities.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed A. Islam whose telephone number is (571) 272-7768. The examiner can normally be reached on Monday-Friday 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

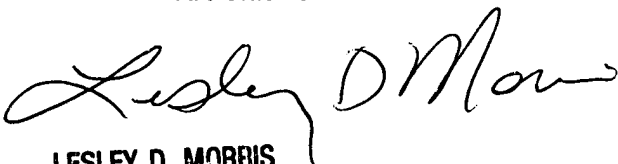
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lesley D. Morris
SPE
Art Unit 3611

SI
December 14, 2007


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